

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 22, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney
David Shawcroft, Civil Division Chief Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Carl Hollan, Utah County Deputy Attorney
Michelle Araujo, Utah County Commission Office
Lisa K. Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office
Bryan E. Thompson, Utah County Clerk/Auditor
Vicky Westergard, Clerk/Auditor's Office
Burt Garfield, Utah County Assessor's Office
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Brandon Larsen, Community Development
Dean Miner, Utah County Extension
Ralph Clegg, Health Department Executive Director
Bryce C. Larsen, Utah County Health Department
Richard Nance, Drug & Alcohol Prevention & Treatment
Robert Johnson, Drug & Alcohol Prevention & Treatment
Lana Jensen, Utah County Personnel Director
Don Nay, Utah County Public Works Assoc. Director
Glen Tanner, Utah County Public Works

Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Dalene Higgins, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Charlene Christensen, U.V. Convention & Visitors Bureau
Mark Allen, Protect and Preserve American Fork Canyon
Hannah Baggaley, Eagle Mountain Resident
Wendi Baggaley, Eagle Mountain Resident
Cindy Dolan, Salt Lake County Resident
Josep Adolf Menti, Utah County Student
Julie Sainsbury, Utah County Resident
Heather Williamson, Saratoga Springs Resident
Kenzie Williamson, Saratoga Springs Resident
Klara Williamson, Saratoga Springs Resident
Heidi Balderee, -No further information given-
Nathan Ivie, -No further information given-
V.L. Jackson, -No further information given-
Mariah Sainsbury, -No further information given-
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:08 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Paul Jones, Utah County Deputy Attorney

PLEDGE OF ALLEGIANCE: Ralph Clegg, Utah County Health Department Executive Director

PUBLIC HEARING

**PUBLIC HEARING TO DISCUSS THE 2016 BUDGET FOR THE GENERAL FUND
AND OTHER BUDGETARY FUNDS OF UTAH COUNTY AND TO CONSIDER A
CHANGE IN THE EXISTING SALARIES OF THE COUNTY OFFICERS OF UTAH
COUNTY, UTAH (*Public Hearing set October 27, 2015*) (*Continued from the December 8
and December 15, 2015 Commission meetings*)**

Commissioner Ellertson noted the dollar amount of \$79,446,278.00 for the 2016 Budget with clarification from Utah County Clerk/Auditor Bryan E. Thompson. Commissioner Ellertson also mentioned part of the insurance benefits requires active participation from employees in a wellness program designed to reduce and minimize health insurance costs. He pointed out the program will save the county anywhere between \$400,000 and \$2,000,000, and Utah County Personnel Director Lana Jensen confirmed that amount from the audience. Commissioner Ellertson invited those with public comments on the 2016 Budget to come forward.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 2

Eagle Mountain City resident Wendi Baggaley reminded the Board that she had commented during the previous week's Commission meeting in opposition to county salary increases. Ms. Baggaley mentioned that the commissioners had since contacted her, and she realizes, understands, and appreciates their functions as full-time county employees. She commented that her concerns are not directed to a pay increase for regular employees of Utah County, but instead the proposed increase for elected officials. Ms. Baggaley pointed out the commissioners made \$103,000 in the year 2013, and then \$119,000 in 2014 - this is more than other counties with higher populations, and almost double the income of the average county resident. She asked them to reconsider the salary increase, referring to documents she had obtained from Commissioner Lee's office the previous evening.

Saratoga Springs resident Heather Williamson explained she has spoken to several residents in Utah County that are extremely frustrated the commissioners are even considering a salary increase when they received an almost fifteen percent raise last year. She noted Commissioner Graves had campaigned on returning fiscal responsibility to the county and bond-to-debt ratios; Ms. Williamson stated "if that is important to you, I ask you to please consider not voting yourself a raise this year." Ms. Williamson added that the Utah Governor makes approximately \$110,000 annually to oversee the 3,000,000 residents in the state; there is no reason for the commissioners to be making more than the governor, and almost as much as a United States Senator who has more responsibilities. She is grateful for the responsibilities taken on by the Board, but there are many fixed income residents concerned about debts, bonds, and wasteful spending. Ms. Williamson commented that the Board had not listened to the residents regarding Proposition One (*a previously proposed .25% County Option Sales and Use Tax for Highways and Public Transit*) and placed it on the election ballot, but the residents were smart enough to vote it down. She noted the commissioners have also placed the Provo/Orem Bus Rapid Transit project unto the residents, irresponsibly shifting money, saying "we're kind of tired of coming before you and asking you to stop the waste and stop the spending."

Spanish Fork resident Lee Jackson came forward in support of the comments made by Wendi Baggaley and Heather Williamson, stating South Utah County hopes the Board will listen to the citizens' concerns.

Heidi Balderee is a Saratoga Springs resident with a Master's Degree in Human Resource Management. Ms. Balderee stated the commissioners' salaries are bloated, and that would be the first thing she would change if hired as a consultant for the county. She explained the second largest county in the United States, hosting the city of Chicago, has been run by a county commissioner with a salary of only \$85,000; there is no way Utah County can justify a pay raise when compared to a place with a much higher cost of living and greater population. Ms. Balderee asked the Board to remove the proposed salary increase from the agenda, stating they make a living protecting taxpayer dollars and inviting them to sacrifice in order to protect their constituents.

Mark Allen of the Facebook group 'Protect and Preserve American Fork Canyon' stated he encourages proactive leadership and is against pay increases. Mr. Allen said he has yet been to any county or city meeting where his elected officials volunteered to decrease the burden on the public as their servants. The commissioners have the opportunity to look out for the needs of the most meager individuals in the community; to consider a salary increase is the opposite of service. Mr. Allen noted his understanding that there is money set aside for a camera system to facilitate open transparent meetings, since most people work at 9:00 A.M. on weekdays and cannot personally attend sessions; it would be a better use of funds than a pay raise.

Mark Allen went on to say that the commissioners need to be leaders - he has not seen any leadership regarding the protection of American Fork Canyon. The people working in the mapping and surveyor's offices should be able to provide a map of land ownership in the canyon. Mr. Allen hopes 2016 will be a year of open transparency, as he currently feels that he is in hostile territory when addressing two of the three members of the Board. He expressed his appreciation for Commissioner Lee, reminding the Board that American Fork Canyon is not yet safe from Snowbird. Mr. Allen also commented on Salt Lake County elected officials participating in a trip to Switzerland in 2013, repeating that he does not have confidence in the Utah County Commissioners demonstrating proactive leadership. Mr. Allen also repeated his request for cameras in county meeting rooms, stating again that should be a priority over any pay raise.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 3

Benjamin resident Nathan Ivie spoke of driving past fields through a storm this morning on the way to this meeting, and being reminded why he moved to the south end of the county eleven years ago: to continue to farm as other areas are being overrun. Mr. Ivie expressed his love for the community and the agriculture, reminding the Board that Utah County is the largest agricultural-producing county in the state. He also appreciated the county was fiscally conservative, but taxes have increased annually - he had to sell a horse for \$10,000 this past year in order to pay his property taxes. This is concerning because it is not in line with the principles of his community. Mr. Ivie attends these Commission meetings because he wants to ensure his children are able to continue farming.

Nathan Ivie commented on how the commissioners' salaries are tied to their retirement funds, and therefore increased pay will mean increased retirement monies. He suggested the Board ask themselves when the tax burden laid upon the citizens will be enough to satisfy their needs, so that the commissioners can live comfortably now and upon retirement. Mr. Ivie pointed out there is a low cost of living here, and asked the Board to embrace the community they are supposed to represent - do not forget about our values.

Commissioner Ellertson stated that based on the public comments received, there seem to be some issues that are not fully understood. He explained he welcomes the opportunity to correct some misinformation or at least share some perspective at any time.

PUBLIC HEARING

PUBLIC HEARING TO DISCUSS AMENDING AND INCREASING THE 2015 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS (*Public Hearing set December 10, 2015*)

Commissioner Ellertson explained the original 2015 Utah County Budget of \$78,968,315 is being increased to \$82,016,034. Commissioner Ellertson noted the \$82,000,000 is a conservative estimate to complete the calendar year, as the final dollar amount will hopefully be substantially less. There have been additional expenses incurred for county operations, and the complete bill will not be finalized until March 2016. Commissioner Lee asked Utah County Clerk/Auditor Bryan E. Thompson to address fund carry-over potential, and Mr. Thompson confirmed this amendment is needed to cover anticipated bills. Mr. Thompson mentioned that the amount was initially thought to be lower, but operational costs in public safety and other important areas have led to the inflated charges. He said the potential savings have not materialized, and Commissioner Lee summarized there will not be enough funds to carry over into the next year. When Commissioner Ellertson commented there is still fund balance, Mr. Thompson confirmed and added the county is borrowing more from that balance. Commissioner Lee advised the Board to consider that a 'warning sign.'

Commissioner Ellertson commented on 2015 property taxes in the county. He explained there has been no increase in 2015 on existing property from 2014; any increase received by the county is from new growth. Commissioner Ellertson explained only ten percent of the property tax bills received by residents is allocated to the county - approximately 70% is for school districts, 15% for cities, and the remainder for Special Service Districts. He and Commissioner Graves clarified that while the total amount for one bill may have risen, the county portion has not. Commissioner Ellertson also reminded the audience that taxes are based on the assessed values of the property, which may increase individually at a rate faster or slower than the rest of the county. This could cause a shift in property taxes and even potential decreases. Commissioner Ellertson reiterated that Utah County has not raised property taxes.

Benjamin resident Nathan Ivie returned to the podium to comment on property taxes. He thanked Commissioner Ellertson for the explanation, stating he still has an issue with the complexity of the tax system in the state and the county. Mr. Ivie stated county staff is sometimes incompetent, as they have valued his house at \$10,000 within the greenbelt zone and all other outbuildings were placed in another bracket with a total value of \$500,000.00; his family was being charged significantly more than the greenbelt rate for several years before the error was caught. When Mr. Ivie repeated that

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 4

shows complete incompetence by county employees, Commissioner Ellertson asked whether the issue has been corrected, and Mr. Ivie stated yes. Commissioner Ellertson reminded the audience he is sincere in trying to clear up any misunderstandings, and closed the public hearing.

CONSENT AGENDA

1. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE PORTER ROCKWELL DISTRICT OF THE BOY SCOUTS OF AMERICA TO USE BB GUNS AND ARCHERY EQUIPMENT AT WILLOW PARK FOR THE DISTRICT'S ANNUAL CUB SCOUT DAY CAMPS TO BE HELD DURING THE SUMMER OF 2016**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH WALMART-SPANISH FORK TO HAVE 4 DEPUTIES PROVIDE SECURITY ON 'BLACK FRIDAY EVENT' FROM 4:00 P.M. TO MIDNIGHT ON NOVEMBER 26, 2015**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR AND COUNTY CLERK/AUDITOR TO SIGN THE FY 2016 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT APPLICATION FROM THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY**
4. **APPROVE AND SIGN FOR RFP FOR JAIL PHYSICIAN SERVICES TO BE SENT OUT FOR BID**
The Board suggested this item be stricken from the agenda.
STRICKEN
5. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
6. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY CLERK/AUDITOR'S OFFICE, AND THE UTAH COUNTY COMMUNITY DEVELOPMENT OFFICE**
7. **APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 04:025:0009 (AGREEMENT NO. 2015-238A)**
8. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 3, and 5 through 8, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE THE MINUTES OF THE NOVEMBER 3, 2015 COMMISSION MEETING** (*Continued from the December 15, 2015 Commission meeting*)
2. **APPROVE THE MINUTES OF THE SPECIAL NOVEMBER 6, 2015 COMMISSION MEETING** (*Continued from the December 15, 2015 Commission meeting*)

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 5

3. **APPROVE THE MINUTES OF THE NOVEMBER 10, 2015 COMMISSION MEETING**
4. **APPROVE THE MINUTES OF THE NOVEMBER 17, 2015 COMMISSION MEETING**
5. **APPROVE THE MINUTES OF THE NOVEMBER 24, 2015 COMMISSION MEETING**
9. **APPROVE (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE ELEMENT MAP FROM MANUFACTURING TO AGRICULTURAL/WATERSHED, AND AMEND THE OFFICIAL UTAH COUNTY ZONING MAP FROM THE PUBLIC FACILITIES (PF) ZONE TO THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE, FOR LAND IN THE PALMYRA AREA IDENTIFIED AS TAX PARCEL 21:090:0002, APPROXIMATELY 51.41 ACRES, 1600 WEST 4000 SOUTH, SECTION 35, T7S R2E**

The commissioners requested Regular Agenda Item No. 9 be continued to the next meeting of the Board, in two weeks.
CONTINUED TO JANUARY 5, 2016

10. **ADOPT A RESOLUTION ADOPTING THE 2016 MILEAGE REIMBURSEMENT RATE FOR UTAH COUNTY EMPLOYEES FOR COUNTY BUSINESS TRAVEL**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1023 COPIER, SERIAL NUMBER TJE21514, LOCATED IN THE ASSESSOR'S OFFICE; EXPIRES 12/31/2016**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR TWO IR6570 MACHINES, SERIAL NUMBERS DLP01992 AND SLP02097, LOCATED IN THE ATTORNEY'S OFFICE; EXPIRES 11/18/2016**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3300 COPIER, SERIAL NUMBER MPH18980, LOCATED IN THE ATTORNEY'S OFFICE; EXPIRES 12/31/2016**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2200 COPIER, SERIAL NUMBER MPG94776, LOCATED IN THE CHILDREN'S JUSTICE CENTER; EXPIRES 12/31/2016**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1600 COPIER, SERIAL NUMBER MQS00747, LOCATED IN THE CLERK/AUDITOR'S OFFICE; EXPIRES 12/31/2016**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR IR2200, IR2230 AND IR2230 MACHINES, SERIAL NUMBERS MPG36364, MSA00891, AND MSA00812, LOCATED IN THE CLERK/AUDITOR'S OFFICE; EXPIRES 12/31/2016**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3530 COPIER, SERIAL NUMBER KJG03465, LOCATED IN THE COMMUNITY DEVELOPMENT OFFICE; EXPIRES 12/31/2016**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 6

18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1023 COPIER, SERIAL NUMBER TJE06325, LOCATED IN THE EXTENSION OFFICE; EXPIRES 11/18/2016**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3300 COPIER, SERIAL NUMBER MPH40489, LOCATED IN THE EXTENSION OFFICE; EXPIRES 12/31/2016**
20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRC5185 COPIER, SERIAL NUMBER MER06606, LOCATED IN THE HEALTH ADMINISTRATION OFFICE; EXPIRES 12/31/2016**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2020 COPIER, SERIAL NUMBER CLP00205, LOCATED IN THE HEALTH VITAL RECORDS OFFICE; EXPIRES 12/31/2016**
22. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3300 COPIER, SERIAL NUMBER MPH28832, LOCATED IN THE COUNTY HEALTH AIR QUALITY OFFICE; EXPIRES 12/31/2016**
23. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR IR2270 AND IR3300 MACHINES, SERIAL NUMBERS KBT00727 AND MPH28189, LOCATED IN THE COUNTY HEALTH FAMILY SERVICES OFFICE; EXPIRES 12/31/2016**
24. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3245 COPIER, SERIAL NUMBER DHK02253, LOCATED IN THE INFORMATION SYSTEMS OFFICE; EXPIRES 12/31/2016**
25. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3530 COPIER, SERIAL NUMBER KJG03462, LOCATED IN THE RECORDER'S OFFICE; EXPIRES 11/18/2016**
26. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2015-101 WITH THE UTAH DEPARTMENT OF HEALTH TO INCREASE FUNDING FOR THE MENINGOCOCCAL H FLU ENHANCED SURVEILLANCE**
27. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT AMENDMENT NO. 5 TO COUNTY AGREEMENT NO. 2011-120 (STATE CONTRACT 112120) WITH THE STATE OF UTAH DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH: NOTICE OF FINANCIAL REPORTING REQUIREMENTS FOR THE ATR PROGRAM**
28. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT AMENDMENT NO. 1 TO COUNTY AGREEMENT 2015-633 (STATE CONTRACT 160922), AMENDING THE YEARLY ALLOCATION FOR SFY 2016 TO \$4,773,576.00**
29. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-736 WITH SIEMENS HEALTHCARE DIAGNOSTICS FOR CONTRACTS ASSAYS PRICING**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 7

30. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SALES QUOTE AND MAINTENANCE SERVICES ORDER WITH NORTH AMERICAN COMMUNICATIONS RESOURCE, INC. TO RENEW ANNUAL HARDWARE AND SOFTWARE SUPPORT FOR THE TELEPHONE SWITCH SYSTEM AND VOICE MAIL SYSTEM** *(Continued from the December 15, 2015 Commission meeting)*
31. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR THE R. STEVENS SUBDIVISION PLAT 'A' IN THE AMOUNT OF \$1,568.00**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, and 3 were approved and authorized; No. 4 was stricken; Nos. 5 and 7 were approved; No. 6 was adopted; and No. 8 was ratified. **Regular Agenda Item Nos. 1 through 5** were approved; No. 9 was continued to the January 5, 2016 meeting of the Board; No. 10 was adopted; and Nos. 11 through 31 were approved and authorized.

AGREEMENT NOS.: 2015-812, 2015-813, 2015-814, 2015-815, 2015-816, 2015-817, 2015-818, 2015-819, 2015-820, 2015-821, 2015-822, 2015-823, 2015-824, 2015-825, 2015-826, 2015-827, 2015-828, 2015-829, 2015-830, 2015-831, 2015-832, 2015-833, 2015-834, 2015-835, 2015-836 and 2015-837

RESOLUTION NOS.: 2015-160, 2015-161, and 2015-162

REGULAR AGENDA

6. **ADOPT AN ORDINANCE AMENDING SUBSECTION 2-8-6 OF THE UTAH COUNTY CODE RELATING TO ADMINISTRATION** *(Continued from the December 15, 2015 Commission meeting)*

The commissioners requested Regular Agenda Item No. 6 be tabled for discussion later in the agenda.

TABLED

**Please refer to the final page of these minutes for additional notations.*

7. **TAKE ACTION TO REFER TO THE UTAH COUNTY PLANNING COMMISSION A PROPOSED UTAH COUNTY LAND USE ORDINANCE TEXT AMENDMENT TO SECTION 3-11-A RELATED TO REQUIREMENTS FOR FRONTAGE ON AN APPROVED COUNTY CLASS 'B' ROAD**

Bryce Armstrong of the Utah County Community Development Office came forward to explain that Regular Agenda Item Nos. 7 and 8 on today's calendar are about specifying the difference between road classes in the county. There has been confusion over what qualifies property for dwelling sites, and the ordinances should clarify that information. Commissioner Lee asked whether this is a reaction to state legislature, and Utah County Deputy Attorney Robert J. Moore commented on H.B. 419. Mr. Moore explained the bill would have created an end point for road maps completed in the year 2013. Though the legislation did not pass, it brought to the attention of the Attorney's Office and the Utah County Public Works Department how much work is needed to accurately identify all roads, access to forest areas, and related items. The Attorney's Office has been working with Public Works to make those identifications, who in turn has met with the Utah County Planning Commission to review the maps. The intent of all this work is to make sure residents understand that dwelling structures are permitted on Class 'B' roads, as has always been the case in Utah County.

Commissioner Lee made the motion to refer to the Utah County Planning Commission the proposed Utah County Land Use Ordinance Text Amendment as discussed in Regular Agenda Item No. 7.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 22, 2015
Page 8

The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2015-838

8. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP

Commissioner Graves made the motion to adopt an ordinance to amend the Official Utah County Road Map as outlined in Regular Agenda Item No. 8. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

ORDINANCE NO. 2015-29

**Please refer to the final page of these minutes for additional notations.*

32. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CATTLE BARONS TECHNOLOGIES, INC. TO PERFORM MECHANICAL TRAMPLING OF PHRAGMITES PLANTS ON APPROXIMATELY 1200 ACRES OF GROUND ALONG AND ADJACENT TO THE SHORELINE OF UTAH LAKE

Commissioner Ellertson commented on the importance of eradicating Phragmites in Utah County, and Utah County Public Works Associate Director Don Nay reviewed the 1,200 acres of area covered for trampling by this agreement. The company was selected by a state contract procurement process, and the county has created an agreement based on that pricing. Utah County Clerk/Auditor Bryan E. Thompson noted there was no specific line item to cover this \$70,000 expense in the 2016 Budget, and Mr. Nay explained some funding may come from the 2015 Budget. Mr. Nay and Commissioner Ellertson discussed grants, and Mr. Nay confirmed the contract would not be fulfilled if the funds are not acquired. Mr. Thompson asked whether expenses have been incurred from the 2015 Budget for this item, and Mr. Nay replied no. Mr. Thompson pointed out there is some money available in the 2015 Budget for Phragmites, but not nearly enough to cover the full cost. Mr. Nay stated the awarded grants equal approximately \$50,000, and Commissioner Graves mentioned additional contracts would be presented to the Board for approval.

When Commissioner Ellertson commented on making sure the money is available for this contract, Don Nay mentioned Danene Jackson in the Utah County Clerk/Auditor's Office has been very helpful in working with the Public Works Department. Commissioner Ellertson noted the improvements in getting Phragmites under control throughout the last four years, and Mr. Nay confirmed that aerial spray combined with trampling has been very effective in dramatic improvements around Utah Lake. Commissioner Ellertson also commented on cooperation from the state and other entities in handling the problem.

Commissioner Lee made the motion to approve the agreement with Cattle Barons Technologies, Inc. to perform mechanical trampling of Phragmites plants as detailed in Regular Agenda Item No. 32. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2015-839

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 9

33. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AMENDMENT TO AGREEMENT 2014-815 FOR PUBLIC INFORMATION OFFICER AND FAIR DIRECTOR SERVICES WITH FAIRWAYS MEDIA, INC.

Commissioner Graves explained there are county contracts which renew annually, but state guidelines allow for a three-to-five-year window on several of the agreements. He would like to stagger those contracts, hence this amendment to an agreement with Fairways Media. Commissioner Lee asked whether this contract should go out to bid, and Commissioner Graves replied that he can provide a memorandum showing why this should not go out to bid per county procurement rules because the services provided cannot be equated. When Commissioner Lee asked if that is a decision that should be discussed as a Board, Commissioner Graves answered it is a function of the County Purchasing Agent.

Utah County Deputy Carl Hollan approached to comment on the duties of the County Purchasing Agent, and how the agent has authority and discretion in determining when it is in the county's best interest to not go through typical procurement procedures; in this circumstance, Commissioner Graves is acting as the Purchasing Agent. Utah County Civil Division Chief Deputy Attorney David Shawcroft noted while that is the case, this particular agreement is still before the Board for approval. Commissioner Graves mentioned this contract is the first of many to be seen in an attempt to stagger agreements in the three-to-five-year window, so that issues like Regular Agenda Item Nos. 7 through 29 on today's calendar do not occur annually. Commissioner Lee suggested additional conversation before taking action.

Commissioner Lee made the motion to continue Regular Agenda Item No. 33 regarding an amendment to Agreement No. 2014-815 with Fairways Media for two weeks to the January 5, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

CONTINUED TO JANUARY 5, 2016

34. ADOPT A RESOLUTION APPROVING THE 2016 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH, AND AMENDING AND FIXING THE ANNUAL SALARIES FOR ELECTED UTAH COUNTY OFFICIALS FOR 2016 *(Continued from the December 8 and December 15, 2015 Commission meetings)*

Commissioner Ellertson summarized that the currently proposed 2016 Budget does not include an increased salary for county elected officials, and Commissioner Graves pointed out the Board never specifically commented they would approve such action. Commissioner Ellertson added that policy allows the item to be addressed as part of the General Fund discussion, and must publicly be noticed as such. Commissioner Lee asked about a cost-of-living-adjustment (COLA) for elected officials, and Commissioners Ellertson and Graves both confirmed there would be no increase for elected officials, not even in the COLA format or any other format. Utah County Clerk/Auditor Bryan E. Thompson concurred. Commissioner Lee asked whether the COLA is included for all other county employees, and Mr. Thompson stated no, not in the current draft; if a COLA increase is approved for non-elected county employees, the proposed budget would need to be adjusted. Mr. Thompson confirmed that regular merit step increases are included in the 2016 Budget. Commissioner Lee mentioned he would like to discuss options for non-elected county employees other than the COLA.

Utah County Personnel Director Lana Jensen talked about how the county pay plan and Personnel rules are already set up with a system that calls for a step increase when an employee is within the pay range of their position, and performing satisfactorily. There are about 225 employees at this time at the top of their fairly narrow salary ranges, meaning 25% to 30% of the full-time county employees will not be eligible for merit step increases. Ms. Jensen noted the possibility of a general across-the-board increase had been reviewed as a way to keep pace with surrounding entities and the labor

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 10

market; Salt Lake County and Weber County offer three-percent salary increases as part of the national “new normal” as determined by several surveys by consulting firms. Ms. Jensen and Commissioner Ellertson discussed how benefits in Salt Lake County factor into their salary when considering retirement fund matches and Social Security, with Ms. Jensen mentioning it is important to keep pace so that Utah County does not lose eligible applicants because of the economy. Commissioner Lee asked about Provo City’s process, and Ms. Jensen was not sure. Utah County Civil Division Chief Deputy Attorney David Shawcroft added Provo City follows a fiscal year.

Utah County Clerk/Auditor Bryan E. Thompson raised his concern that he had received different information from the Weber County Clerk/Auditor’s Office regarding their salaries. Mr. Thompson was told less than two weeks ago that there would be no merit or COLA increases for employees because there is no room in their budget. His information was that any COLA increases would be targeted to specific areas based on high turnover, but not necessarily across the board. Mr. Thompson also pointed out that the Salt Lake County three-percent salary increase would be countered with a three-percent decrease in retirement fund matches, based on the idea that new employees are more interested in wages than benefits. He summarized that neither county is providing a COLA increase, but rather shifting where their current funds are being sent.

Bryan E. Thompson advised the commissioners to use caution as they move forward. He said Utah County employees are some of the best in the state, and they “do more with less” than any other county in the state; still, increases in health insurance costs must be offset, and Utah County is one of the few places where employees do not have to pay an insurance premium - a COLA increase for employees does not accomplish county goals. Mr. Thompson commented that the U.S. Department of Labor statistics show wages are not necessarily increasing at the same rate as jobs, especially in the clerical and government fields. He asked the Board to take his prepared executive summary under consideration, as a COLA increase would move up the entire range for county employees. Mr. Thompson repeated “we just need to be careful on how we approach this, and because we are fiscally conservative, I just ask the due diligence in considering this.” He volunteered to put in the time to figure out the numbers despite being under a time crunch.

Lana Jensen noted her information from Salt Lake County, Davis County, and the state was all received in the last three days. Commissioner Ellertson commented on the difference of opinions within the entities, and Bryan Thompson noted they likely all have the same information but are hearing different parts of the story. Mr. Thompson mentioned the Davis County three-percent increase will be offset by a reduction in insurance coverage. Commissioner Graves pointed out that Utah County is now also requiring a dollar-for-dollar match from employees within the Health Savings Accounts, rather than the \$800 or \$1,600 that had previously been gifted by the county.

Commissioner Graves went on to talk about researching inflationary rates since 2005, which was the last time Utah County employees received a COLA adjustment, and discovering that the rate is 10.72 percent in this area. That means the cost of a gallon of milk has increased by that much in ten years, along with medical expenses going ‘through the roof’ and other issues. Commissioner Graves stated he has no problem giving county employees two percent of a ten percent market increase. He agreed that Utah County employees indeed do more with less, in most cases working the equivalent of one and a half jobs each, and therefore we should be doing more to keep them and be able to serve the public. Commissioner Graves reminded Bryan Thompson that an increase was similarly approved in his department for election workers this year: it was determined that \$100 for a day of work from a poll worker is insufficient, and the amount was increased to \$225 in order to keep pace and provide that service - it was a necessity. Commissioner Graves stated everyone is in agreement that elected officials should not receive an increase. Mr. Thompson repeated his concern that upper tier employees did benefit from the survey last year, saying he thinks we can be creative without moving the entire range and inappropriately benefitting those at the top range. Commissioner Ellertson noted for the record that “inappropriate” is Mr. Thompson’s word and opinion.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 11

Lana Jensen pointed out that Davis County operates on a fiscal year, so no changes would be made to their benefits right now - they would go into effect in July. However, their plan deductible is either \$250 or \$500 compared to the Utah County \$2,000 or \$4,000. The Davis County ten percent premium share for family coverage of \$1,636 annually could be doubled and added to the deductible yet still equal less than the \$4,000 Utah County employees are paying for a family plan. Ms. Jensen summarized Utah County employees pay more out of pocket, and Commissioner Ellertson noted mandatory participation-based qualifications to maintain the rates and matches of the Health Savings Accounts. He commented on the substantial savings over a three-year period.

Lana Jensen went on to note a publication by the Utah Association of Counties ranking Utah County as last place in all 29 counties in terms of employee to resident ratio - it is currently 15.9 employees per 10,000 people, which is less than half the amount at the state and less than any other county in Utah. She commented on the high quality of the Utah County workforce, and Commissioner Graves noted that is why he said our employees are performing one and half times the work based on performance. Commissioner Ellertson pointed out the Utah County budget is also substantially less than other counties, and we are attempting to be frugal no matter what decision is made.

Utah County Attorney Jeffrey R. Buhman came forward to speak in favor of a COLA increase for county employees. He explained his office recently posted to hire a paralegal, and only attracted three of four qualified candidates for the position. Mr. Buhman stated he was lucky to find one person to hire when competing with Salt Lake County and other cities for employees, as Utah County is having trouble hiring and retaining workers because of higher pay offered elsewhere. Mr. Buhman said "we need the best to do more with less," and encouraged the commissioners to approve a COLA increase.

Bryan Thompson pointed out a quasi-market study was conducted in 2014. Commissioner Lee commented on the timeliness of this conversation immediately following the clarification that there are no carry-over funds available from 2015 to take into 2016. He stated any COLA or merit step increase will have to come from the fund balance and 'rainy day' reserves, which is a major warning flag in this economy. Commissioner Lee pointed out other counties are raising taxes and making severe cut-backs while Utah County considers a compounding increase. He is in favor of obtaining and retaining good employees, but would prefer options with better management and control so that those on the lower end could perhaps have an additional benefit. Commissioner Lee noted Utah County employee salaries range from \$20,000 to \$167,000, and a two-percent increase for all would be skewed towards those at the top of that gamut. He suggested instead directing \$1,000 or \$500 to employees on the lower end of the scale to give them an opportunity to invest into a Health Savings Account, have more than a two-percent increase, and allow the county additional flexibility in not being committed to long-term additional costs.

Utah County Sheriff James O. Tracy came forward to comment on the employee retention issue in the Sheriff's Office. He stated Utah County is paying \$1.50 less per hour than the state does for prison employees, making it very difficult to attract new hires. Additionally, the people that are coming through the door are not experienced or are eliminated from the hiring process. There is currently a national mood against working for government, especially in law enforcement. Combine this with an older, more experienced work force choosing to retire as early as possible and it effects the efficiency of the county. Sheriff Tracy confirmed "we have always been at the bottom end" of the numbers of employees needed to provide the minimum service Utah County requires to keep public safety and the jail running. Sheriff Tracy described himself as a conservative, pointing out 24% of his department's budget is revenue - but there comes a point when you cannot do more with less, and we are already at the bottom end of the service level.

Commissioner Ellertson wondered aloud whether the Board should delay action on the budget until the second quarter of 2016, once the figures for 2015 have been finalized and the financial standing of the county would be more clear. He suggested any action could even be made retroactive if resources allow it. Commissioner Ellertson acknowledged the grim reality that reserves did not grow in the year 2015 as they have in the past, but there are reserves available. He also pointed out it is not good financial policy to try living on 'one-time' money. Commissioner Lee expressed support of that idea, again suggesting each employee be given \$1,000 instead of the two-percent COLA. He pointed out a two-

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 12

percent increase for an employee making \$25,000 annually would only receive an extra twenty dollars per paycheck, which would not likely be placed into a Health Savings Account and instead be absorbed as part of their general pay. On the other hand, a lump sum distribution combined with education provides opportunities to invest. Commissioner Lee stated he would like to wait and make sure "we are on firm ground." Commissioner Ellertson noted the importance of encouraging employees to participate in the county wellness program.

Commissioner Graves commented on the problematic nature of providing a one-time \$1,000 bonus for certain employees. He explained costs continue to rise annually, and more than fifty percent of Utah County employees make less than \$40,000 each year; a long-term plan providing for an additional \$20 per paycheck allows those employees to buy more bread and milk for their families. Commissioner Ellertson clarified he was not suggesting eliminating the salary increase, only a possibility of making it retroactive at a later date. Commissioner Graves repeated he is in favor of a two-percent COLA increase for employees beginning January 1, 2016 because it is past due. Utah County Personnel Director Lana Jensen added that being able to post a higher wage for job openings would be more helpful in the recruitment process.

Commissioner Graves went on to note the only equitable way to allow for an increase is by percentage, since choosing an arbitrary dollar amount could potentially exclude those that are deserving or have extenuating circumstances such as high medical bills. He pointed out the value and pay is based on education and job responsibilities, so with the exception of elected officials, two percent is fair whether you are a clerk, mapper, or lawyer. Commissioner Lee clarified he would not 'draw a line' and specify a dollar amount salary in order to receive the one-time bonus; rather, every employee would receive \$1,000 and it would have more of an impact on those making less money. He pointed out for Commissioner Ellertson that the one-time incentive would be applied with education so that it could be placed into Health Savings Accounts. Commissioner Graves reminded the Board that would be in violation of the health insurance contract, and Lana Jensen reviewed the requirements of the new SelectHealth Share program: the employer and the employee each have to put in at least 25% of the deductible, and the employer match cannot exceed fifty percent. Ms. Jensen and the commissioners discussed alternative contributions into Health Savings Accounts.

When Commissioner Ellertson asked about any other items in the budget needing additional review, Commissioner Lee encouraged the use of funds for cameras so that Utah County citizens can be more involved in public meetings. Commissioner Ellertson summarized the current proposed 2016 Budget of \$79,446,278.00 does not include the two-percent COLA increase for employees. Lana Jensen noted the base salary COLA increase would add approximately one million dollars to the budget if approved, and Commissioner Graves added benefits would increase the amount to approximately \$1,300,000 or \$1,400,000.00.

Commissioner Graves made the motion to adopt the resolution approving the 2016 Budgets for the General Fund and other Budgetary Funds of Utah County as discussed in Regular Agenda Item No. 34, with no annual salary or Cost-of-Living-Adjustment (COLA) increases for Elected County Officials, and adding a two-percent COLA effective January 1, 2016 for all other non-elected Utah County employees.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Lee stated he agrees with Commissioner Ellertson's previous suggestion to delay any action on a COLA increase until more information is gathered about the final county expenses incurred during 2015. Commissioner Lee repeated his concerns of using funds from the reserves, and his willingness to reconsider both options of either a one-time payout or a percentage-based increase once the county has entered 2016 and further reviewed the year-end figures. Commissioner Ellertson pointed out portions of the amount listed in Regular Agenda Item No. 35 on today's calendar

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 22, 2015
Page 13

may or may not be available for carry-over into 2016. Commissioner Lee expressed his hope that something may come forward that the Board can work with, and being able to compare 2015 year-end figures with anticipated 2016 expenses. Commissioner Lee summarized he does not want to have to draw from the reserves.

Commissioner Ellertson commented on the expected savings in 2016 based on the new health insurance program for the county. He mentioned there are reserves available to draw upon, and his belief the county will not spend as much as stated for the amended 2015 Budget to be voted on in Regular Agenda Item No. 35 on today's calendar. This will allow time to make adjustments as needed. Commissioner Ellertson called for a vote on the current motion.

The motion to adopt the 2016 Budgets of Utah County with no annual salary or Cost-of-Living-Adjustment (COLA) increases for Elected County Officials, and adding a two-percent COLA effective January 1, 2016 for all other non-elected Utah County employees, made by Commissioner Graves and seconded by Commissioner Ellertson, carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee**

APPROVED WITH CHANGES
RESOLUTION NO. 2015-162

Utah County Clerk/Auditor Bryan E. Thompson confirmed for the record an additional million dollars would be needed in the proposed 2016 Budget to meet the two-percent COLA increase, for an approximate total of \$80,846,278.00. Commissioner Lee noted his 'nay' vote is not in regards to the overall budget, but his opposition to the irrational COLA increase for county employees. Commissioner Ellertson replied he does not think it is irrational, and Commissioner Graves stated he has spent countless waking hours since the budget process began at the end of September considering this decision and feels it is the right move for Utah County.

35. APPROVE AND ADOPT A RESOLUTION AMENDING AND INCREASING THE 2015 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS

Commissioner Ellertson noted the proposed \$82,016,034.00 amendment for the 2015 Utah County Budget is hopefully higher than will actually be fulfilled.

Commissioner Graves made the motion to approve and adopt the resolution amending and increasing the 2015 Utah County Budget in the County's General Fund and Various Other Budgetary Funds as outlined in Regular Agenda Item No. 35. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

RESOLUTION NO. 2015-163

The commissioners chose to remove Regular Agenda Item No. 6 from the table at this time before continuing with the posted calendar.

6. ADOPT AN ORDINANCE AMENDING SUBSECTION 2-8-6 OF THE UTAH COUNTY CODE RELATING TO ADMINISTRATION *(Continued from the December 15, 2015 Commission meeting)*

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 14

Commissioner Ellertson asked Commissioner Lee if he would assent to a continuation of this item to the next meeting of the Board on January 5, 2016. Commissioner Ellertson suggested the issue may not be that an amended ordinance is needed; instead, perhaps, further discussion on how to correctly comply with the current ordinance would be more appropriate. Commissioner Lee stated he has been the only one following procedure, and Commissioner Graves corrected he has notified his fellow Board members both times when he became involved with the press. Commissioner Ellertson noted he would like clarification on some definitions.

Commissioner Graves made the motion to continue Regular Agenda Item No. 6 regarding an ordinance amending the Utah County Code for two weeks to the January 5, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

CONTINUED TO JANUARY 5, 2016

The commissioners moved forward with the remaining agenda items as numbered.

36. CONSIDER APPROVING THE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, DECEMBER 29, 2015

Commissioner Graves made the motion to approve the notice of cancellation of the Tuesday, December 29, 2015 meeting of the Board of Commissioners as outlined in Regular Agenda Item No. 36. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

AGREEMENT NO. 2015-840

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

39. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

STRICKEN

40. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

STRICKEN

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 22, 2015

Page 15

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 39 and 40 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and for a strategy session to discuss the sale of real property, water rights, or water shares previously noticed for sale. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee

Greg Graves

NAY: None

37. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

Commissioner Graves made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee

Greg Graves

NAY: None

SET

38. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee

Greg Graves

NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County Clerk/Auditor Bryan E. Thompson noted for the record that the additional \$1,400,000 needed in the budget for the employee COLA increase (*see Page 13*) would not be added to the General Fund, but across the board in all funds; he will provide updated schedules for the commissioners. Mr. Thompson expressed appreciation for the commissioners looking at all sides and comments, specifically mentioning the hard work put in by Utah County Chief Financial Officer Danene Jackson. Utah County Personnel Director Lana Jensen also noted the effective date of the COLA increase would be January 2, 2016, the beginning of Pay Period 2.

Utah County resident Mark Allen said the Board glossed over the most important issue that should have been discussed today: open public transparent meetings. Of the \$80,000,000 allocated for the budget, Mr. Allen would like to see \$50,000 of that total used to put cameras in this meeting room. Commissioners Ellertson and Graves explained they are making plans and have set money aside for that purpose. Mr. Allen thanked the commissioners, and Commissioner Lee noted his earlier comment on the matter was an attempt to identify a specific line item within the budget for the cameras. Mr. Allen also volunteered an associate to provide service on the sound outlets in the meeting room, some of which do not work.

Utah County Deputy Attorney Paul Jones and Mapleton resident commented there is a trade-off in working for government. Mr. Jones did not take the highest salary upon graduating from law school because benefits and the opportunity to build his community were important to him. He recognizes 'times are tight' and a two-percent increase is a lot of money, and wanted to recognize and thank the commissioners for taking that step in showing their employees they are valued.

This concluded discussion of most scheduled agenda items, and the meeting recessed at 11:06 A.M. to go into closed sessions. The public meeting reconvened at 12:10 P.M.

Though previously addressed during this meeting, the Board returned to discussion of Regular Agenda Item No. 8 at the request of Utah County Deputy Attorney Robert J. Moore.

8. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP

Utah County Deputy Attorney Robert J. Moore explained the current draft of the ordinance has an effective date of 15 days after approval, but Utah Code 17-53-208-6 allows an ordinance to go into effect earlier with a finding that it is "necessary for the immediate preservation of the peace, health, or safety of the county and the county inhabitants." Mr. Moore recommended the Board make that finding so that the ordinance can be published before the end of this calendar year; Utah County Civil Division Chief Deputy Attorney David Shawcroft confirmed public notice requirements will still be met.

Commissioner Graves **amended his previous motion to adopt the ordinance amending the Official Utah County Road Map, adding that the ordinance go into effect immediately upon publication and as soon as possible with the finding that it is necessary for the immediate preservation of the peace, health, or safety of the county and the county inhabitants. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED WITH CHANGES
ORDINANCE NO. 2015-29

**Please refer to the final page of these minutes for additional notations.*

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 22, 2015
Page 17

This concluded the open meeting.

Commissioner Graves made the motion to adjourn the December 22, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 12:12 P.M. The minutes of the December 22, 2015 Commission meeting were approved as transcribed on February 2, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 8:**

After initially voting to adopt Regular Agenda Item No. 8, the commissioners returned to discussion of the item immediately following closed sessions at the request of Utah County Deputy Attorney Robert J. Moore. Commissioner Graves amended his previous motion to adopt the ordinance to include the “ordinance go into effect immediately upon publication and as soon as possible with the finding that it is necessary for the immediate preservation of the peace, health, or safety of the county and the county inhabitants;” it was approved by unanimous vote.